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April 6, 2023

Honorable David T. Schultz  
United States District Court  
300 South Fourth Street  
Minneapolis, MN 55415

**VIA ECF**

**Re: *Fair Isaac Corp. v. Federal Insurance Co. et al.*, No. 16-cv-01054-DTS**

Dear Judge Schultz:

Plaintiff Fair Isaac Corporation ("FICO") and Defendants Federal Insurance Company and ACE American Insurance Company (collectively, "Defendants") submit this joint letter requesting the Court enter an order on the record that final judgment has not been entered.

On March 10, 2023, the Court orally accepted the jury's verdict on disgorgement. (Trial Tr. 2749:22-24.) At that time, it stated that it was "enter[ing] judgment on the verdict" which would "begin the clock for post-trial motions, et cetera." (*Id.* at 2759:25-2750:1.) The Parties then requested a 14-day extension of the deadline for JNOV motions and motions for attorneys' fees, prejudgment interest, and so forth which the Court granted. (*Id.* at 2751:22-2752:18.) The Court set the extended deadline for opening post-trial briefing as April 21, 2023. (Dkt. 1175.) On March 14, 2023, the Courtroom Deputy to Judge Schultz, Ms. Terianne Bender, sent the Parties an email stating that "[t]he actual judgment does not get entered until after your JNOV motions are filed and decided." (Ex. 1 hereto).

Based on Ms. Bender's email the Parties understand that the Court's March 10, 2023, oral ruling did not constitute an entry of final judgment and that final judgment has not been entered. The Parties further understand that the deadline to file motions that are teed off of entry of final judgment, such as motions under Rules 50, 52, 54, 59, and 60, were not triggered off of the Court's March 10, 2023 oral ruling, and, instead, the deadline to bring such motions has been set as April 21, 2023. The Parties further

understand that the time to file a notice of appeal has not yet begun to run because final judgment has not been entered.

Because Ms. Bender's email is not currently part of the record, the Parties jointly request the Court enter an order stating and clarifying for the record that final judgment has not yet been entered and clarifying that all post-trial filings are due April 21, 2023.

Sincerely,

/s/ Heather Kliebenstein

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